

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 01-257
Table of Allotments,)	RM-10267
FM Broadcast Stations.)	
(Bad Axe, Michigan))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: February 12, 2003

Released: February 18, 2003

By the Assistant Chief, Audio Division:

1. The Audio Division considers herein the *Notice of Proposed Rule Making*¹ ("Notice") which includes the captioned proceeding. As indicated below, the Notice set forth eight separate proposals to allot an FM channel to specific communities. Charles Crawford ("Petitioner"), requested the allotment of Channel 231A at Bad Axe, Michigan, as that community's second local FM transmission service. Petitioner filed supporting comments in response to the *Notice*, followed by a motion to withdraw the Bad Axe, Michigan proposal.² A counterproposal was submitted by Edward Czelada.³ No other comments were received.

2. As stated in the Appendix to the *Notice*, a showing of continuing interest is required before a channel will be allotted. It is the Commission's policy to refrain from making an allotment to a community absent an expression of interest. Therefore, since the Petitioner has requested his withdrawal from the proceeding, and no other expressions of interest were filed for proposed Channel 231A at Bad Axe, Michigan, we will dismiss the Petitioner's proposal, as requested.

¹ See *Atoka, Oklahoma*, MM Docket No. 01-254; *Wright City, Oklahoma*, MM Docket No. 01-255; *Benevides, Texas*, MM Docket No. 01-256; *Bad Axe, Michigan*, MM Docket No. 01-257; *Bearden, Arkansas*, MM Docket No. 01-258; *Grandin, Missouri*, MM Docket No. 01-259; *Pawhuska, Oklahoma*, MM Docket No. 01-260, and *Early, Texas*, MM Docket No. 01-261, 16 FCC Rcd 17072 (M.M. Bur. 2001). The proposals set forth in the multiple *Notice* were not mutually exclusive with each other. A separate *Report and Order* has been issued in the *Benavides, Texas* proceeding, 17 FCC 2d 12800 (M.M. Bur. 2002), as well as the rule making requests at *Bearden, Arkansas*, 17 FCC 2d 12798 (M.M. Bur. 2002), and *Grandin, Missouri*, 17 FCC Rcd 12810 (M.M. Bur. 2002). In light of developments that have occurred in the *Bad Axe, Michigan*, proceeding, as noted *infra*, we are deciding MM Docket No. 01-257 separately from the remaining docketed proceedings contained in the *Notice*.

² Petitioner's motion to dismiss was filed consistent with the requirements of Section 1.420(j) of the Commission's Rules (47 C.F.R. § 1.420(j)). Petitioner stated in his affidavit that he did not receive any consideration in connection with the requested dismissal of his petition for rulemaking at Bad Axe, Michigan.

³ Czelda's counterproposal incorporated interrelated dockets (*i.e.*, MM Docket Nos. 01-220, 01-230, 01-231, 01-232, and 01-257). Czelda did not commit to apply for an alternate channel proposal at Bad Axe, Michigan. Therefore, the counterproposal was defective and not placed on public notice. While it is unnecessary to discuss Czelda's counterproposal in this proceeding, it remains to be addressed in each of the other enumerated dockets listed above.

3. In view of the above, IT IS ORDERED, That the petition for rule making filed by Charles Crawford proposing the allotment of Channel 231A at Bad Axe, Michigan (RM-10267), IS DISMISSED.

4. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

5. For further information concerning this proceeding, contact Nancy Joyner, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau